

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN UNIVERSITIES,
et al.,

Plaintiffs,

v.

NATIONAL SCIENCE FOUNDATION, *et al.*,

Defendants.

Case No. 25-cv-11231

**[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

The Court hereby **GRANTS** Plaintiffs' Motion, declares the Rate Cap Policy invalid, arbitrary and capricious, and contrary to law, and permanently enjoins Defendants the National Science Foundation ("NSF") and Acting Director of NSF Brian Stone (collectively, "Defendants"), their agents, and anyone acting in concert or participation with Defendants from implementing, instituting, maintaining, or giving effect to the Rate Cap Policy in any form; from otherwise modifying negotiated indirect cost rates except as permitted by statute and regulation; and from rejecting or otherwise treating adversely proposals for NSF funding submitted at universities' negotiated rates rather than the 15% rate.

The Court further orders that within 24 hours of entry of this Order, Defendants provide written notice of the Order to all funding recipients affected by the Rate Cap Policy and that, further, Defendants notify the Court that they have done so within 48 hours of entry of this Order.

It is so ordered.

Hon. Indira Talwani, District Judge